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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/763,890
		Filing Date	1/22/2004
		First Named Inventor	Barker
		Art Unit	to be assigned
		Examiner Name	to be assigned
Total Number of Pages in This Submission	8	Attorney Docket Number	VT-2406

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Self-addressed, return post-card
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Michael Ross, Reg. No. 45,057
Signature	
Date	April 26, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Sharon Lango
Signature	
Date	April 26, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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Docket: VT-2406

PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application No.: 10/763,089

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as FIRST-CLASS mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 26, 2004.

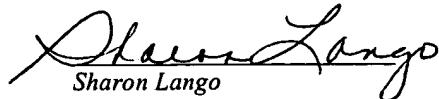
Filing Date: 1/22/2004

Applicant: Barker et al.

Group Art Unit: To be assigned

Examiner: To be assigned

Title: SECONDARY BATTERY ELECTRODE ACTIVE MATERIALS
AND METHODS FOR MAKING THE SAME



Sharon Lango

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with 37 C.F.R. §§1.56, 1.97(c) and 1.98, Applicant herewith submits an Information Disclosure Statement for consideration by the Examiner.

1. **LIST OF PATENTS, PUBLICATION AND OTHER INFORMATION**

The patents, publications and other information submitted for consideration by the Office (except unpublished U.S. patent applications, if any) are as set forth in the attached form PTO-1449.

2. **COPIES**

Submitted herewith is a legible copy of (i) each U.S. Patent Application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cited pending U.S. application, the application specification including the claims, and any drawings of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

- Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

<u>U.S. Serial Number</u>	<u>U.S. Filing Date</u>
This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form-1449 for consideration by the Examiner and for listing on any patent resulting from this application. Since the International Search Report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g))	

- A copy of an IDS submitted to the U.S. Patent Office using the ePAVE software.

3. **CONCISE EXPLANATION OF THE RELEVANCE** (check at least one box)

- Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

- A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

- See the attached foreign search report.
 English translations are provided for: See Form PTO-1449
 Other: English Abstracts Provided For: See Form PTO-1449.

- The following additional information is provided for the Examiner's consideration.

4. **CROSS REFERENCE TO RELATED APPLICATION(S)**

- The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. §122.

Serial No.

Filing Date

Art Unit

5. THIS IDS IS BEING FILED UNDER

X 37 C.F.R. § 1.97(b): (check only one box)

- Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d) (37 C.F.R. §1.97(B)(1)). No fee or certification is required.
 - Within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. §1.97(b)(2)). No fee or certification is required.
 - Before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(B)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. §1.97(c) and see the certification under 37 C.F.R. §1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. §1.17(p).
 - Before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. §1.114. No fee or certification is required.
- 37 C.F.R. §1.97(c): (check only one box)
- before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution.
 - No certification: therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).
 - See the certification below. No fee is required.
- 37 C.F.R. § 1.97(d):
- after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.
 - See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

6. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)

The undersigned hereby certifies that:

- each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)).
- no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).
- some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

7. PAYMENT OF FEES (check only one box)

- A check in the amount of \$180.00 is enclosed for the above-identified fee.
- Please charge Deposit Account No. 22-0100 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

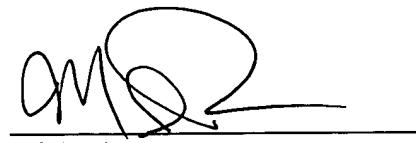
If it is determined that this IDS has been filed under the wrong rule, the PTO is requester to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 22-0100.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. §1.16 or §1.17 to Deposit Account No. 22-0100.

Should anything further be required, the Examiner is respectfully requested to telephone the undersigned at 702-558-1071.

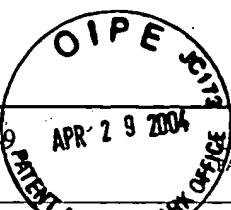
Respectfully submitted,

By:



Michael Ross
Reg. No. 45,057

Dated: April 26, 2004
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301 Conestoga Way
Henderson, Nevada 89015
Telephone: 702-558-1000
Facsimile: 702-558-1310



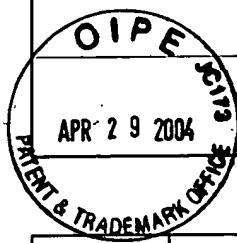
OMB 0651-0031

Form PTO-1449 APR 29 2004 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. VT-2406	SERIAL NO. 10/763,890
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	APPLICANT Barker et al.	
Sheet Page 1 of 2	FILING DATE 1/22/2004	GROUP

U.S. PATENT DOCUMENTS

***EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP 609; conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO.	SERIAL NO.
			VT-2406	10/763,890
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		APPLICANT		
		Barker et al.		
Sheet Page 2 of 2		FILING DATE	GROUP	
		1/22/2004		



FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS	REF. NO.	DOCUMENT NUMBER	PUBLICATION DATE	NAME OF PATENTEE OR APPLICANT	LOCATION WHERE RELEVANT PASSAGES OR FIGURES APPEAR	T
	14.	CA 2,200,998 A1	9/25/1998	Armand et al.		
	15.	EP 1 150 367 A2	10/31/2001	Li et al.		
	16.	JP 2002117903 A1	4/19/2002	Fukushima Gen et al.		
	17.	WO 02/27824 A1	4/4/2002	Armand et al.		
	18.	WO 02/083555 A2	10/24/2002	Hemmer et al.		
	19.	WO 2004/001881 A2	12/31/2003	Audemer, et al.		

OTHER DOCUMENTS (*Including Author, Title, Date, Pertinent Pages, Etc.*)

EXAMINER INITIALS	REF. NO.	
	20.	J.B.Goodenough et al., "Cathodes for Lithium-Ion Batteries: Some Comparisons", Kenki Kagaku Oyobi Kogyo Butsuri Kagaku Vol. 66, No. 12, pp. 1173-1181 (1998).

EXAMINER	DATE CONSIDERED

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609;
conformance and not considered. Include copy of this form with next communication to applicant.